

# Hearing Aid Dispensers Bureau Advisory Committee Meeting

Department of Consumer Affairs  
1625 North Market Blvd, 2<sup>nd</sup> Floor, Suite N-220  
El Dorado Conference Room  
Sacramento, CA 95834

Friday October 20, 2006

## **Agenda Item I-Call to Order and Roll Call**

Ms. Blood called the meeting to order at 10:18 a.m. Roll call was taken and a quorum was present.

### Members Present:

Mr. Robert Gnam  
Ms. Juanita Sendejas-Lopez  
Ms. Judith Horning  
Ms. Kimberly Gates

### Staff Present:

Ms. Tonya Blood Bureau Chief  
Ms. Norine Marks, Bureau Legal Counsel  
Ms. Yvonne Crawford, Hearing Aid Dispensers Bureau  
Ms. Debbie Newcomer, Hearing Aid Dispensers Bureau

## **Agenda Item II-Approval of July 14, 2006 Meeting Minutes**

It was noted by Gary Cooper (HHP) that Cindy Peffers name did not have an "h" in it- with change noted, the minutes were approved.

### **Agenda Item III-Chairperson's Report**

None, as Chairperson was not present.

### **Agenda Item IV-Bureau Update**

Ms. Blood introduced and welcomed the newest Advisory Board member, Judith Horning and provided a brief summary of her background.

Ms. Blood presented the revised Strategic Plan. Ms. Sendejas-Lopez asked if rather than just the word “completed” could include the month and year that it was completed. Ms. Blood also reviewed changes expected within the Bureau, such as I-licensing, IT project, working with Complaint Mediation, and more time to focus on enforcement.

Ms. Blood presented the “Frequently Asked Questions” that will be posted on the Bureau’s website. The Advisory Committee commented that more information should be listed regarding the clearance of finger printing and clarify the timeframe for processing an application.

### **Agenda V-Consumer Outreach**

Ms. Blood briefed the committee on the recent Outreach events attended by Bureau staff and the favorable response that was received. The Bureau is in touch with the Pharmacy Board, and Complaint Mediation with regard to further outreach events that the Bureau may attend.

Ms. Blood showed a sample of the bookmark that the Bureau will be producing to provide at future outreach events. Committee members and a member of the audience inquired about having it printed in Spanish as well as English and other languages, such as Russian.

Discussion about the consumer brochure which the Bureau is finalizing, and the bookmark ensued. Ms. Blood indicated that the bookmark is something that could be printed in several different languages, saving the Bureau money with less text to translate than the brochure. Further, the brochure could be printed in English and Spanish.

Ms. Horning asked about Song-Beverly wording related to “specifically fit” versus “unsatisfactory”, and wanted to know if wording could be changed. Mr. Cooper discussed the history of Song-Beverly and explained that attempts in the past to try to change it were unsuccessful. “Specifically fit” is the language used in the law.

Ms. Gates suggested that the Bureau contact the Department of Aging regarding a list of Senior Centers in California for future outreach events.

### **Agenda VI-Regulatory Proposals**

The Disciplinary Guidelines and Model Disciplinary Orders were reviewed.

Proposed Complaint Disclosure Regulatory language was reviewed and it was mentioned that any changes to the regulatory language would be heard at an open public hearing. Model regulations developed for departments, boards, & bureaus to follow. There was discussion of unsubstantiated complaints, and pending accusation.

The term “10 days” is 10 calendar days. Tolling is when the clock is stopped, meaning time stands still while that person isn’t subject to probation monitoring by the Bureau. (i.e. licensee goes to another state) When they return the clock (probation) resumes.

Ms. Sendejas-Lopez asked about enforcement and if a complaint needed to be in writing? Tonya Blood said it was preferred to be in writing, but we can’t mandate that. The Bureau will create a record of all complaints.

Ms. Gates expressed concern that the Chair was not present for any votes regarding the approval of regulations, and that she didn’t think we should make any vote concerning regulations without the Chair in attendance. It was explained that any vote done today would not be finalizing anything- that the regulation process would have to be noticed, and set for a hearing and sent to Office of Administrative Law, allowing for further changes if needed or noted by Chair.

Wording regarding pending accusations, formal disciplinary actions, and timeframes were discussed. Patty Harris, Deputy Chief of Bureau Relations, explained how the Attorney General reviews, files, and serves licensees.

Ms. Sendejas-Lopez didn’t like the term “pending accusation” suggesting “charging with accusation.” It was explained that “pending accusation” means it has been served, and pending further action “not pending” meaning it hasn’t been filed. If nothing is found during the investigation, the file is closed and would not be pending accusation.

The Advisory Committee asked for an example on a complaint filed. Most complaints against Hearing Aid Dispensers concerned wording in advertising. If after a warning is issued, the licensee continues to advertise improperly, the Bureau will take action. If

the investigation found nothing, the file would be closed, and if complaints are not substantiated, the Bureau would inform the public (if they called in to check if any complaints) that we have no substantiated complaints on file. Accusations are a public record. Ms. Crawford stated that records of disciplinary actions are kept for 10 years.

Questions were raised about possibly using another test for the written exam. Ms. Blood indicated that the current testing (through Thomson-Prometric) is computer based testing and is available throughout the state on a continuous testing basis. The national exam is a pencil & paper exam and would have to be administered by the staff. The exam could not be administered continuously and would not be cost effective. If another test becomes available that was similar to what is now given it would be considered.

### **Agenda VII-Occupational Analysis and Examination Update**

Yvonne Crawford reported that the Office of Examination Resources is in the final stages of the Occupational Analysis. The questionnaires related to the profession were sent out in July, the results have been tabulated and OER is currently in the process of working with subject matter experts to develop new exam plans based on the results. Workshops to update the practical examination based on the new exam plan will be held April – June 2007. Workshops to update the written examination based on the new exam plan will be held September – November 2007. Therefore, new forms of both exams are likely to go into effect in February 2008.

OER, the Bureau, and subject matter experts are currently working on changes to the practical exam. Some items currently tested on the practical exam will be incorporated into the written exam, thereby decreasing the timeframe to administer the exam and

allowing for more candidates to be tested. It is anticipated that these changes will go into effect in February 2007.

The Bureau administered one practical examination since the Committee's last meeting in July 2006. The pass rate for the August 5<sup>th</sup> exam is as follows:

August 5, 2006 Exam in San Diego

The pass rate was 65%

43 candidates took the exam

28 passed

15 failed

The written exam pass rate for the period July 14, 2006 – October 19, 2006 was 74%.

47 candidates took the exam

35 passed  
12 failed

On October 14, 2006, the Bureau conducted examiner training in San Diego. Fourteen new examiners were trained. The Bureau plans to conduct an additional examiner training in Northern California the beginning of next year.

**Agenda VIII-Education Sub-Committee Update**

Mr. Gnam reported that there have been several Educational Requirement Sub-Committee meetings concerning training requirements and the number of hours required for Audiologists and Hearing Aid Dispensers. The primary discussion at the meetings was focused on the issue of how many hours could be accredited to Au.D. students. This matter is still under consideration.

**Agenda IX-Continuing Education Course Reviews**

The process of reviewing of courses for approval for Continuing Education is being reviewed. The Bureau is considering working

with licensed dispensers & audiologists to review course content. This is typical for other Boards and Bureaus.

### **Agenda X-Future Advisory Committee Meetings**

Ms. Blood initiated setting the Advisory Committee meetings for 2007. The Advisory Committee decided to meet three times per year. Future Advisory Committee Meeting dates were scheduled for March 2, 2007, July 20, 2007, and November 2, 2007.

### **Agenda XI-Public Comment**

Gary Cooper asked if any Sunset Review information or date was public yet. Ms. Blood commented no and that it was not anticipated until after December.

### **Agenda XII-Adjournment**

The Advisory Committee Meeting adjourned at 12:03pm.